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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,335	01/14/2004	Gregory R. Hauler	LAC03 P326	3454
277	7590	05/31/2006	EXAMINER	
PRICE HENEVELD COOPER DEWITT & LITTON, LLP 695 KENMOOR, S.E. P O BOX 2567 GRAND RAPIDS, MI 49501			JULES, FRANTZ F	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/757,335

Applicant(s)

HAULER, GREGORY R.

Examiner

Frantz F. Jules

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03/23/2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 9-33 is/are rejected.
- 7) ☒ Claim(s) 4-8, 14-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 12-13, 17-18 re rejected under 35 U.S.C. 102(e)(2) as being anticipated by Allen (US 6,913,322).

Allen discloses a wheel cover assembly comprising a wheel clad assembly, comprising: a body member (60 or 70) having an outer surface and an inner surface opposed across the body member from the outer surface; and at least one elongated tubularly-shaped extension (66) comprising a first material and having an inner surface, a proximal portion (68) connected to the body member, a distal portion extending in a direction away from the inner surface of the body member, and at least one irregularity (78) spaced along a length of the distal portion of the at least one extension, and at least one tubularly-shaped insulating sleeve (90) comprising a second material different from the first material and having an outer surface that abuts the inner surface of the at least one extension and includes an edge portion that closely receives the irregularity of the distal portion of the at least one extension therein, thereby preventing removal of the at least one sleeve from within the at least one extension in an axial direction, wherein

Art Unit: 3617

the edge portion is adapted to engage a vehicle wheel, thereby assembling the wheel cover assembly with the vehicle wheel, and wherein the sleeve is adapted to thermally insulate the wheel clad assembly from the vehicle wheel, see fig. 3.

The at least one extension being cylindrical in accordance with claim 12.

A plurality of extension member including a plurality of extension members being spaced circumferentially about the body member in accordance with claim 18.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen in view of Eshler et al (US 4,998,780).

Allen teaches all the limitations of claims 16 except for a tab on the inside surface of the extension which receive an aperture of the insulating sleeve. The general concept of providing a tab on the inside surface of the extension which receive an aperture of the insulating sleeve in a wheel clad assembly is well known in the art as illustrated by Eshler et al which disclose the teaching of a tab (99) on the inside surface of the extension which receive an aperture of the insulating sleeve (50). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Allen to include the use of a tab on the inside surface of the extension which receive an aperture of the insulating sleeve in his advantageous wheel cover assembly as taught by Eshler

Art Unit: 3617

et al in order to prevent loosening or vibrational movement of the wheel cover thereby increasing safety.

5. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen in view of Eshler et al (US 4,998,780).

Regarding using a sleeve of stainless steel as recited in claims 2-3, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Allen to include the use a sleeve made of stainless steel in his advantageous system, as wheel cover insert material selection is a common and everyday occurrence throughout the suspension rail design art and the specific use of a stainless steel insert material would have been an obvious matter of design preference depending upon such factors as the wind loading imposed on the wheel cover, the yield strength of the sleeve material; the ordinarily skilled artisan choosing the best stress profile corresponding to a particular loading imposed on the wheel cover which would most optimize the cost and performance of the device for a particular application at hand, based upon the above noted common design criteria.

6. Claims 9-11, are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen (US 6,913,322) in view of Nielson et al (US 5,297,854).

Allen teaches all the limitations of the claims except for a wheel cover assembly comprising a sleeve including a plurality of fingers. The general concept of providing an tubular sleeve including a plurality of fingers to a wheel cover is well known in the art as illustrated by Nielson et al which discloses the teaching of a wheel cover comprising plastic or insulative tubular sleeve (9). It would have been obvious to one of ordinary

Art Unit: 3617

skill in the art at the time of the invention to modify Allen to include the use of a tubular sleeve including a plurality of fingers in his advantageous wheel cover assembly as taught by Nielson et al in order to facilitate removal of the wheel cover for maintenance in the event of a flat tire.

7. Claims 19-24, 26-31, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dubost (US 5,249,845) in view of Allen (US 6,913,322).

Dubost teaches all the limitations of the claims except for a wheel cover assembly comprising a thermally insulative body portion. The general concept of providing a thermally insulative tubular body portion to a wheel cover is well known in the art as illustrated by Allen which discloses the teaching of a wheel cover comprising a thermally insulative tubular sleeve (90). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dubost to include the use of an insulative sleeve tubular body portion in his advantageous wheel cover assembly as taught by Allen in order to reduce heat conduction in the wheel cover for maintenance in the event of a flat tire following the vehicle operation.

Claims 20

Regarding using a sleeve of stainless steel as recited in claim 20, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dubost and Allen to include the use a sleeve made of stainless steel in his advantageous system, as wheel cover insert material selection is a common and everyday occurrence throughout the suspension rail design art and the specific use of a stainless steel insert material would have been an obvious matter of design preference depending upon such

Art Unit: 3617

factors as the wind loading imposed on the wheel cover, the yield strength of the sleeve material; the ordinarily skilled artisan choosing the best stress profile corresponding to a particular loading imposed on the wheel cover which would most optimize the cost and performance of the device for a particular application at hand, based upon the above noted common design criteria.

8. Claims 25 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dubost and Allen as applied to claim 19, and further in view of Eshler et al (US 4,998,780).

Dubost and Allen teaches all the limitations of claims 16 except for a tab on the inside surface of the extension which receive an aperture of the insulating sleeve. The general concept of providing a tab on the inside surface of the extension which receive an aperture of the insulating sleeve in a wheel clad assembly is well known in the art as illustrated by Eshler et al which disclose the teaching of a tab (99) on the inside surface of the extension which receive an aperture of the insulating sleeve (50). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dubost and Allen to include the use of a tab on the inside surface of the extension which receive an aperture of the insulating sleeve in his advantageous wheel cover assembly as taught by Eshler et al in order to prevent loosening or vibrational movement of the wheel cover thereby increasing safety.

Allowable Subject Matter

9. Claims 4-8, 14-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the

Art Unit: 3617

limitations of the base claim and any intervening claims. None of the references of record suggests an extension divided into a plurality of extending flexibly resilient fingers.

Response to Arguments

10. Applicant's arguments filed 03/23/2006 have been fully considered but they are moot in view of the new ground of rejection.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (571) 272-6681. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3617

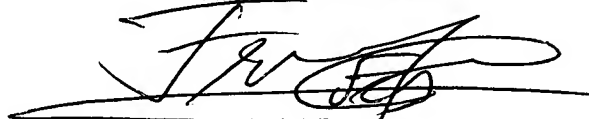
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Frantz F. Jules
Primary Examiner
Art Unit 3617

FFJ

May 27, 2006

FRANTZ F. JULES
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Frantz F. Jules', written over a horizontal line.